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REMARKS

Claims 1-2, 10, 12, 14-15 and 18-20 are rejected as anticipated by Boyer (U.S. Patent No. 4,967,864).

Claim 1 is directed to a portable support adapted to rest on a seat and recites a base member having a top surface, bottom surface and sides with the bottom surface being substantially devoid of any protrusions such that the base member is adapted to rest on a seat without any protrusion tearing or harming the seat and allowing the base member to conform to the seat. The claim 1 embodiment is best shown in Fig. 3 wherein the base 3 is shown without protrusions from the bottom surface and sides being free of protrusions. In Boyer et al. (U.S. Patent No. 4,967,864) the base (indicated as 16 in the office action) is shown in Figs. 2 and 5 with mounting brackets 76 (see also column 6, lines 32-34 which describes the brackets 76 on seat 16). These brackets make the seat attachable to the support structure, but would tear or mar a seat if it were to be placed on another seat. Thus, Boyer et al does not teach or suggest a base member devoid of protrusions as recited in claim 1. For at least this reason Boyer et al. does not anticipate claim 1 and dependent claims 2, 10, 12 and 14-15.

Claim 10 is dependent from claim 1 and further requires straps. There are no straps in Boyer et al.

Claim 18, like claim 1 recites a portable support adapted to rest on a seat and recites base members with the bottom surface being substantially devoid of any protrusions. As described above with respect to claim 1, Boyer et al's brackets 76 extend from the bottom surface of seat 16 and thus Boyer et al does not teach or suggest base members devoid of protrusions as recited in claim 18. Claim 18 requires first and second base members, not one as shown in Boyer et al. The office action in rejecting claim 18 at page 3 states that Boyer et al has at least one base member. One base member is not a teaching or suggestion of a first and second base member as recited in applicant's claim 18. For at least these reasons Boyer et al. does not anticipate claim 18 and dependent claims 19-20.

Claims 1-4, 10, 12, 14-15, 18-20 and 24-27 are rejected as obvious over Hunter (U.S. Patent No. 2,625,987) in view of Haley (U.S. Patent No. 2,659,423).

Hunter does not have arm rests connected to each other via the first and second supports and the base member as recited at the end of claim 1. In Hunter the arm rests are connected to sides of box 14 which, if considered as part of the base, is not devoid of protrusions (latch 30,

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detent or catch 31, etc.). Further, the statement at page 4 of the office action that it would have been obvious to modify Hunter to provide Haley's supports 11, 14 in place of Hunter's supports 43 is improper. Hunter has vertically adjustable supports 60, etc. as shown in Figs. 8 and 9. There is no teaching or suggestion in either Hunter or Haley to use Haley's supports in place of Hunter's supports. Claims 2-4, 10, 12, 14-15, 17 and 24-26 are dependent from claim 1 and allowable at least for these same reasons.

Regarding claims 18-20, neither Hunter nor Haley teach or suggest first and second base members. The prior art shows one base member, not two. Further, claim 18 recites base members with the bottom surface being substantially devoid of any protrusions. There are no base members devoid of protrusions as required by claim 18 and dependent claims 19-20.

Claims 3, 4 and 22 are rejected as obvious over Boyer. Claims 3 and 4 are dependent from claim 1 and avoid Boyer et al for at least the reasons noted above. Additionally, nothing in Boyer et al. teaches or suggests that the device as recited in claim 3 does not exceed ten pounds. The claimed device is a "portable" vertebrae decompression support. A patient recovering from back surgery needs a support that is not heavy like that of Boyer. Boyer et al's device is clearly heavy to enable a person to be seated and move (see wheels 40, handles 86, etc.) and is not less than ten pounds as is the device of claim 3. Claim 22 states the arm rests are adjustable to be raised or lowered over a range of about 5 to 18 inches. There is nothing in Boyer et al. that would teach or suggest this range. The range is so that persons of even large body size will be able to adjust the arms to accommodate their size.

Claims 17 and 21 are rejected as obvious over Boyer et al. in view of Murphy.

Claims 17 and 21 require a non-skid material on the base bottom surface. There is nothing in Boyer et al. or Murphy that would teach or suggest the use of non-skid material on the bottom of the base of Boyer et al. Boyer's base is attached via fasteners 77 to the seat rails 72. The use of such fasteners weighs against the suggestion in the office action of using non-skid material in Boyer et al.

Claims 17 and 21 are rejected as obvious over Hunter and Haley in view of Murphy. The office action urges that it would have been obvious to add non-skid to the bottom of Hunter's base. Hunter discloses straps 45 to hold the child seat in place. Adding non-skid would provide no advantage and in view of the straps such would not have been obvious.

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Claim 11 has not been rejected and an indication of the allowance of claim 11 is requested.

Claims 5-9, 13, 16 and 23 remain canceled without prejudice or disclaimer of the subject matter therein.

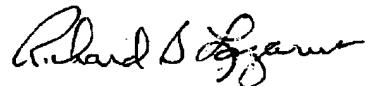
Claim 26 has been amended to clarify that the back support has an attached mesh area for comfort, the mesh area also being for holding a hot/cold pack container. The mesh support is discussed in the specification at page 7, lines 17-29 and shown in Fig. 3. The mesh support provides numerous advantages including ease of using a hot/cold pack and ventilation of the back area. The prior art does not teach or suggest a mesh support as recited in claim 26.

Accordingly, reconsideration and allowance of claims 1-4, 10-12, 14-15 and 17-22 and 24-27 is, respectfully, requested.

The examiner is invited to telephone the undersigned if there are any matters that require further action.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (31462-38242).

Respectfully submitted,
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